

originated are tested or otherwise examined for tuberculosis in a manner satisfactory to the Administrator or his designated representative.

(e) If the cattle, bison, or cervids were added to the herd while the herd was quarantined for tuberculosis, unless an approved herd plan was in effect for the herd at the time the claim was filed. As part of the approved herd plan, cattle, bison, or cervids added to a herd quarantined for tuberculosis must:

(1) Be from an accredited herd, as defined in § 77.1 of this chapter; or

(2)(i) Be from a herd that tested negative to an official tuberculin test (complete herd test), as defined in § 77.1 of this chapter, no more than 12 months before the cattle, bison, or cervids were added to the claimant's herd; and

(ii) Have been found negative to an official tuberculin test, as defined in § 77.1 of this chapter, during the 60 days before the cattle, bison, or cervids were added to the claimant's herd.

(f) For exposed cattle, bison, or cervids destroyed during herd depopulation, if a designated epidemiologist has determined that exotic bovidae (such as antelope) or other species of livestock in the herd have been exposed to tuberculosis by reason of association with tuberculous livestock, and those exotic bovidae or other species determined to have been exposed to tuberculosis have not been destroyed.

[40 FR 27009, June 26, 1975, as amended at 45 FR 32288, May 16, 1980; 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 58 FR 34699, June 29, 1993; 60 FR 37809, July 24, 1995]

§ 50.15 Part 53 of this chapter not applicable.

No claim for Federal indemnity for cattle or bison destroyed because of tuberculosis shall hereafter be paid under the regulations contained in part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

[40 FR 27009, June 26, 1975, as amended at 52 FR 39614, Oct. 23, 1987]

§ 50.16 Certain cattle on the Island of Molokai in Hawaii.

(a) The provisions of this part relating to indemnity for exposed cattle

shall apply with respect to exposed cattle on the island of Molokai in Hawaii, *except that*: The Administrator may authorize the payment of Federal indemnity to owners of exposed cattle under two years of age, not to exceed \$450 for any animal which has been found by APHIS to have been exposed by reason of association with tuberculous cattle, (the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal), if the exposed cattle instead of being immediately destroyed are to be moved from the premises of origin on the island of Molokai (intrastate or interstate) to a quarantined feedlot and if the following conditions are met:

(1) The exposed cattle are sold for movement to the quarantined feedlot prior to their movement from the premises of origin;

(2) The exposed cattle, prior to movement from the premises of origin, are identified by tagging with an approval metal eartag bearing a serial number attached to either ear of each animal and by branding the letter "S" (or other brand approved by the Administrator based on a determination that the brand would adequately identify the animal as destined for slaughter) on the left jaw not less than 2 nor more than 3 inches high, *Provided, however*, such branding may be done upon arrival at the quarantined feedlot if the cattle are accompanied to the feedlot by an APHIS or State representative, or shipped in vehicles closed with official seals;

(3) The owner of the exposed cattle on the island of Molokai prior to sale for movement to the quarantined feedlot has entered into a compliance agreement¹ with APHIS whereby it is agreed that the salvage for cattle moved to a quarantined feedlot shall be the amount received from the sale of the animals and that such owner shall be eligible for indemnity only if all cattle on the island of Molokai under

¹Compliance Agreement forms are available without charge from the Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance, 4700 River Road, Unit 36, Riverdale, Maryland 20737-1231, and from local offices of Veterinary Services. (Local offices are listed in telephone directories.)

his or her control are destroyed or moved under permit directly from the premises of origin to a quarantined feedlot under paragraph (a) of this section and if he or she otherwise agrees to comply with any other provisions of this part applicable to him or her; and;

(4) The purchaser of the exposed cattle has entered into a compliance agreement¹ with APHIS whereby it is agreed that the cattle will be moved under permit directly from the premises of origin to the quarantined feedlot; whereby it is agreed that at the time such cattle are moved from the quarantined feedlot the cattle will be shipped under permit directly to a Federal or State inspected slaughtering establishment for slaughter or be disposed of by rendering, burial, or incinerating in an approved manner under supervision of an APHIS or State employee; whereby it is agreed that the exposed cattle shall not be sold prior to destruction unless the purchaser enters into a compliance agreement agreeing to the provisions contained in this paragraph.

(b) After indemnity has been paid for exposed cattle under paragraph (a) of this section, no additional indemnity shall be paid for such exposed cattle.

[51 FR 33735, Sept. 23, 1986, as amended at 52 FR 1317, Jan. 13, 1987; 56 FR 36998, Aug. 2, 1991; 59 FR 67612, Dec. 30, 1994]

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

Sec.

51.1 Definitions.

51.2 Cooperation with States.

51.3 Payment to owners for animals destroyed.

51.4 Record of tests.

51.5 Identification of animals to be destroyed because of brucellosis.

51.6 Destruction of animals; time limit for destruction of animals.

51.7 Claims for indemnity.

51.8 Disinfection of premises, conveyances, and materials.

51.9 Claims not allowed.

51.10 Part 53 of this chapter not applicable.

AUTHORITY: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.22, 2.80, and 371.2(d).

§51.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Cattle, bison, and breeding swine.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Brucellosis exposed animal. Except for a brucellosis reactor animal, any animal that: (1) Is part of or has been in contact with a herd known to be affected; or (2) has been in contact with a brucellosis reactor animal for a period of 24 hours or longer; or (3) has been in contact with a brucellosis reactor animal which has aborted, calved or farrowed within the past 30 days, or has a vaginal or uterine discharge.

Brucellosis reactor animal. Any animal classified as a brucellosis reactor as provided in the definition of official test in §78.1 of this chapter.

Claimant. A person who files a claim for indemnity under §51.7 for animals destroyed under this part.

Condemn. The determination made by an APHIS representative, State representative, or accredited veterinarian that animals for which indemnity is sought under this Part shall be destroyed.

Dairy cattle. A female bovine of a recognized dairy breed over 20 months of age, which has calved or is within 90 days of parturition and which is a member of a dairy herd used to produce milk for commercial use.